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| <p style="text-align: right;">38</p> <p>1 I didn't see any notes from that meeting at all.</p> <p>2 Q. So what happened in that meeting?</p> <p>3 A. Teresa and I talked to Jeremy about his</p> <p>4 medical needs. First thing I talked to him about</p> <p>5 was he needed to update his FMLA paperwork, because</p> <p>6 it was not current. And I also -- we also talked to</p> <p>7 him about annual leave donations, because he was</p> <p>8 very close to exhausting all of his accrued leave.</p> <p>9 And remember, someone who's on FMLA can use any of</p> <p>10 their accrued leave towards that FMLA time, so they</p> <p>11 can use sick leave, annual leave, comp time,</p> <p>12 whatever. They can also use FMLA unpaid if they</p> <p>13 would they want to spread out their paid leave for a</p> <p>14 longer period of time.</p> <p>15 Since he was so close to exhausting his</p> <p>16 approved leave, we talked to him about donating</p> <p>17 annual leave donations, and I approved that, of</p> <p>18 course. And then we also talked to him about had he</p> <p>19 ever thought about retiring for medical reasons, and</p> <p>20 he didn't -- he indicated to Teresa and I that he</p> <p>21 did not know that was a possibility, and we --</p> <p>22 Teresa explained to him that's a process that we</p> <p>23 don't have control over.</p> <p>24 So if an employee has serious medical</p> <p>25 needs, and Jeremy has many of those, it's something</p> | <p style="text-align: right;">40</p> <p>1 Foundation.</p> <p>2 You can go ahead and answer.</p> <p>3 A. The Department of Health accommodated</p> <p>4 Jeremy's every medical need the entire time he</p> <p>5 worked for us.</p> <p>6 Q. How did you accommodate his medical needs?</p> <p>7 A. He had multiple FMLA submissions that he</p> <p>8 submitted during his entire time of employment with</p> <p>9 us. Every one of those requests were approved</p> <p>10 without any type of issue. He was also approved and</p> <p>11 utilized time off, which is also an accommodation</p> <p>12 under the ADA.</p> <p>13 Q. So is it your belief that qualifying for</p> <p>14 FMLA is an accommodation?</p> <p>15 A. No. FMLA and ADA accommodation are two</p> <p>16 different processes. Jeremy never asked for an</p> <p>17 accommodation. He asked for FMLA. He asked for</p> <p>18 time off. He asked for annual leave donations, and</p> <p>19 all those things that Jeremy requested were</p> <p>20 approved.</p> <p>21 Q. The Department of Health never engaged</p> <p>22 Jeremy in an interactive process meeting?</p> <p>23 MS. ACKERMANN: Objection. Foundation.</p> <p>24 Q. You never engaged Jeremy in an interactive</p> <p>25 process meeting?</p> |
| <p style="text-align: right;">39</p> <p>1 that if they've worked long enough for the State of</p> <p>2 New Mexico, they might be eligible to do that.</p> <p>3 So we told Jeremy if that was something he</p> <p>4 wanted to look into, that we would support and help</p> <p>5 him through that process if that's what he chose to</p> <p>6 do. And he actually looked into that process, and I</p> <p>7 think he was eventually approved for medical</p> <p>8 retirement with the state.</p> <p>9 I don't know that for sure, because that</p> <p>10 is completely outside our control. We did provide a</p> <p>11 lot of information to him for that in support of</p> <p>12 his -- I guess he was researching that. That</p> <p>13 process is out of our control.</p> <p>14 Q. In that meeting, did you offer Jeremy any</p> <p>15 accommodations paperwork?</p> <p>16 A. No, I didn't offer him any accommodations</p> <p>17 paperwork. He didn't request an ADA accommodation</p> <p>18 the entire time he worked for us, nor did he ever</p> <p>19 refer to his medical needs as a disability.</p> <p>20 Q. So the Department of Health never</p> <p>21 accommodated Jeremy?</p> <p>22 A. The Department of Health --</p> <p>23 MS. ACKERMANN: Objection.</p> <p>24 MS. BURKE: What's that?</p> <p>25 MS. ACKERMANN: I said objection.</p> | <p style="text-align: right;">41</p> <p>1 A. No, I did not. Jeremy never requested for</p> <p>2 an ADA accommodation. If he had, I would have</p> <p>3 engaged him in that process.</p> <p>4 Q. Must the employee request an accommodation</p> <p>5 to have notice of a need for accommodation?</p> <p>6 MS. ACKERMANN: Objection. Form.</p> <p>7 Q. Does an employee need to make a request</p> <p>8 for an accommodation in order for you to know they</p> <p>9 might need one?</p> <p>10 A. No. If we see an employee has medical</p> <p>11 needs that have not been addressed, then we will</p> <p>12 educate them on ADA accommodations and make them</p> <p>13 aware they can request an accommodation.</p> <p>14 Q. Did you do this with Jeremy?</p> <p>15 A. There was no need to do that with Jeremy.</p> <p>16 All of his medical needs that he requested</p> <p>17 assistance with, support for, FMLA coverage for were</p> <p>18 met by the department.</p> <p>19 If Jeremy, at any point, requested</p> <p>20 something that was medical related, we would have</p> <p>21 done everything in our power to accommodate that.</p> <p>22 We never deny ADA accommodations. In my four years</p> <p>23 of working for the Department of Health, we've never</p> <p>24 denied an ADA accommodation.</p> <p>25 Q. So what happened after the meeting with</p> |